

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
 + + + + +
 MEETING

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| IN THE MATTER OF: | : |
| | : |
| | : |
| A.B.R.A. Agenda | : Agenda |
| | : Hearing |
| | : |

January 7, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
 NICK ALBERTI, Member
 DONALD BROOKS, Member
 MIKE SILVERSTEIN, Member
 HECTOR RODRIGUEZ, Member
 JAMES SHORT, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 3:58 p.m.

3 CHAIRPERSON MILLER: Okay. We are
4 back on the record to do the Board's Agendas for
5 January 7, 2015.

6 And the first item that I would like
7 to address is Item No. 2 on our Investigative
8 Agenda, which is Case No. 15-251-00001, Heritage
9 India/The Zanzibar located at 1901 Pennsylvania
10 Avenue, N.W., Retailer C Restaurant License No.
11 ABRA-090050.

12 The Board has reviewed the case report
13 in this case of Investigation No. 15-251-00001,
14 dated January 7, 2015. And based on that report,
15 I would move pursuant to 25-826 that their
16 license be summarily suspended on grounds that
17 the operations of this licensee present an
18 imminent danger to the health and safety of the
19 public in light of that report. Do I have a
20 second?

21 MEMBER SILVERSTEIN: Second.

22 CHAIRPERSON MILLER: Any comments?

1 Okay. There is a motion that has been seconded.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 5-0-0. Okay. Or 6-0-0. Thank you. 6-0-
7 0. Okay.

8 Now, we can move to our Legal Agenda.
9 The first item on the Legal Agenda is a review of
10 landlord's request for denial of applicant's
11 licensure submitted by Richard Bianco on behalf
12 of Alemu Investments, LLC dated December 9, 2014.
13 This is in reference to Signature Lounge located
14 at 1920 9th Street, N.W., License No. 095535.

15 This is basically an FYI, but it's
16 related to a Qualifications Hearing that we will
17 be having in reference to this case on January
18 21st so no action is required.

19 No. 2 is a review of off-site storage
20 request dated December 9, 2014 for Town Hall
21 located at 2340-2346 Wisconsin Avenue, N.W.,
22 License No. 087661.

1 I move that we approve this request.

2 Do I have a second?

3 MEMBER RODRIGUEZ: Second.

4 CHAIRPERSON MILLER: Mr. Rodriguez has
5 seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The motion
10 passes 6-0-0.

11 No. 3 is another review of an off-site
12 storage request dated December 5, 2014 for Room
13 11 located at 3234 11th Street, N.W., License No.
14 079568.

15 I move that we approve this request.

16 Do I have a second?

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Mr. Alberti
19 seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 6-0-0.

3 No. 4 is another review of off-site
4 storage request dated December 17, 2014 with
5 respect to Cordial Fine Wine and Beer located at
6 1309 5th Street, N.E., License No. 090800.

7 I move that we refer this to legal as
8 it doesn't contain enough information for us to
9 vote on it, at this time. So the motion is to
10 refer to legal.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 6-0-0.

16 The other two that follow, No. 5 and
17 No. 6, No. 5 is a review of off-site storage
18 request dated December 17, 2014 for Acadiana
19 located at 901 New York Avenue, N.W., License No.
20 072593.

21 And No. 6 is another review of off-
22 site storage request dated December 17, 2014 for

1 Penn Commons located at 700 6th Street, N.W.,
2 License No. 095147.

3 Both of these requests are also
4 lacking information, so I move that we refer No.
5 5 and 6 to legal as well. Do I have a second?

6 MEMBER ALBERTI: Second.

7 MEMBER SHORT: Second. It doesn't
8 matter.

9 CHAIRPERSON MILLER: Mr. Alberti
10 seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 6-0-0.

16 No. 7 is a review of a letter of
17 concern submitted by Keith Barrit, Esq. on behalf
18 of MINIBAR dated December 15, 2014. MINIBAR is
19 located at 855 E Street, N.W., License No.
20 089911.

21 This letter addresses trademark/
22 copyright issues and it is just an FYI for us and

1 no action is required.

2 No. 8 is a motion by the protestant
3 group of 19 residents to amend the order to
4 impose additional operating restrictions on Dirty
5 Martini submitted by Sarah Peck on behalf of
6 protestants dated December 19, 2014. Dirty
7 Martini is located at 1223 Connecticut Avenue,
8 N.W., License No. 083919.

9 I move that we postpone consideration
10 of this motion for one week. Do I have a second?

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON MILLER: Mr. Silverstein
13 has seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 6-0-0.

19 No. 9 is a request of third amendment
20 to settlement agreement, is a review of a request
21 of third amendment to settlement agreement
22 submitted by Paul Pascal, Esq. on behalf of

1 Harris Teeter dated December 19, 2014. Harris
2 Teeter is located at 1631 Kalorama Avenue, N.W.,
3 License No. 073993.

4 I move that we approve this request.

5 MEMBER SHORT: Madam Chair, did you
6 say Kalorama Avenue?

7 MEMBER BROOKS: It's Kalorama Road.

8 CHAIRPERSON MILLER: I'm sorry. Did
9 I?

10 MEMBER SHORT: Yes.

11 CHAIRPERSON MILLER: I shouldn't have.
12 Okay. Kalorama Road, N.W. Thank you.

13 MEMBER ALBERTI: Okay.

14 CHAIRPERSON MILLER: So I move that we
15 approve this request. Do I have a second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Mr. Brooks has
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 6-0-0.

2 No. 10 is a review of a settlement
3 agreement between ANC-4C and Odalys dated
4 December 10, 2014. Odalys is located at 1200
5 Kennedy Street, N.W., License No. 097025.

6 I move that we approve this settlement
7 agreement. Do I have a second?

8 MEMBER RODRIGUEZ: Second.

9 CHAIRPERSON MILLER: Mr. Rodriguez
10 seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 6-0-0.

16 Okay. We have a Supplemental Legal
17 Agenda. The first item on the Supplemental Legal
18 Agenda is a Letter of Concern in response to
19 Metropolitan Police Department's Notice of
20 Closure for McFaddan's submitted by Rebecca
21 Coder, ANC Commissioner 2A02, dated December 30,
22 2014. McFaddan's is located at 2401 Pennsylvania

1 Avenue, N.W., License No. 060591.

2 This letter is an FYI and no action is
3 required, at this time.

4 So No. 2 is a request to grandfather
5 the group of 10 into the Darnell's, formerly
6 Manchester Bar & Restaurant, protest. Darnell's
7 is located at 944 Florida Avenue, N.W., Retailer
8 CT, License No. 095113.

9 I move that we approve this request.
10 Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks has
13 seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 6-0-0.

19 No. 3 is a Letter of Request for a
20 Fact-Finding Hearing for an incident occurring at
21 Echostage on January 1, 2015 submitted by
22 Metropolitan Police Department Chief Cathy Lanier

1 dated January 2, 2015. Echostage is located at
2 2135 Queens Chapel Road, N.E., License No.
3 090250.

4 I move that we refer this to
5 enforcement and set a Fact-Finding Hearing for
6 February 11, 2015 at 11:00 a.m. Do I have a
7 second?

8 MEMBER SHORT: Second.

9 CHAIRPERSON MILLER: Mr. Short has
10 seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 6-0-0.

16 We have one more agenda that is the
17 Licensing Agenda.

18 MEMBER ALBERTI: Oh, we have a
19 Supplemental Licensing Agenda, don't we?

20 CHAIRPERSON MILLER: Yes, we do.
21 Licensing and Supplemental Licensing. Okay.

22 MEMBER ALBERTI: All right.

1 CHAIRPERSON MILLER: The first item on
2 the Licensing Agenda is a letter from Stephen
3 O'Brien concerning the eviction of the licensee.
4 And we note that it is related to JP's and their
5 license. JP's is located at 2412 Wisconsin
6 Avenue, N.W., License No. 008511.

7 So JP's has been evicted and ABRA is
8 in possession of JP's license. And the issue
9 here is what to do with respect to that license.

10 And I would move that we place the
11 license in safekeeping for 60 days pursuant to
12 D.C. Code 25-791. After 60 days if the licensee
13 doesn't contact the Board, the Board may deem the
14 license abandoned, according to the statute. And
15 once the Board gives notice to the licensee, they
16 will have 14 days to respond to request continued
17 safekeeping. And if we don't get that, then we
18 may cancel the license.

19 So at this point, the motion would be
20 to place the license in safekeeping for 60 days.
21 Do I have a second?

22 MEMBER RODRIGUEZ: Second.

1 CHAIRPERSON MILLER: Any other
2 comments? Okay.

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The motion
7 passes 6-0-0.

8 No. 2 is an application for
9 safekeeping of a license. It's their first time.
10 It's for Zion Kitchen and Trading located at 1805
11 Montana Avenue, N.E., License No. 096141.

12 I move that we grant the request and
13 put the license in safekeeping for six months.

14 MEMBER ALBERTI: Second.

15 CHAIRPERSON MILLER: Okay. Any
16 comments? Okay. Then the motion has been
17 seconded.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 6-0-0 or 5-0-0.

1 Okay. No. 3 is an application for
2 safekeeping of a license again and this is for
3 Merkato Ethiopian Restaurant located at 1909 9th
4 Street, N.W., License No. 089019.

5 I move that we approve this request --

6 MEMBER ALBERTI: Second.

7 CHAIRPERSON MILLER: -- for six
8 months.

9 MEMBER ALBERTI: Second.

10 CHAIRPERSON MILLER: The standard.
11 Okay. The motion has been seconded.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 5-0-0.

17 No. 4 is another application for
18 safekeeping. It's an original request by Family
19 Liquors located at 710 H Street, N.E., License
20 No. 021877.

21 I move that we approve the safekeeping
22 for six months. Do I have a second?

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: Mr. Alberti has
3 seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 6-0-0.

9 No. 5 is also an application for
10 safekeeping of license. It's an original request
11 from District located at 2473 18th Street, N.W.,
12 License No. 092742.

13 I move that we postpone consideration
14 of this request for one week and in the interim
15 refer to licensing.

16 MEMBER RODRIGUEZ: Second it.

17 CHAIRPERSON MILLER: Mr. Rodriguez has
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 6-0-0.

2 No. 6 is an application for
3 safekeeping of license, another original request
4 by Duffy's Irish Pub located at 2106 Vermont
5 Avenue, N.W., License No. 072539.

6 I move that we approve safekeeping for
7 a period of six months. Do I have a second?

8 MEMBER ALBERTI: Second.

9 CHAIRPERSON MILLER: Mr. Alberti
10 seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 6-0-0.

16 No. 7 is an application for
17 safekeeping of license, an original request by
18 Bistro 18 located at 2420 18th Street, N.W.,
19 License No. 086876.

20 I move that we refer this request to
21 licensing. Do I have a second?

22 MEMBER ALBERTI: Second.

1 CHAIRPERSON MILLER: Mr. Alberti
2 seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The motion
7 passes 6-0-0.

8 No. 8 also relates to Bistro 18. It's
9 called review documents to determine whether this
10 is an involuntary transfer, but, at this point, I
11 would move that we postpone one week and refer to
12 legal.

13 MEMBER ALBERTI: Second.

14 CHAIRPERSON MILLER: Mr. Alberti
15 seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 6-0-0.

21 No. 9 is an application for a class
22 change from Class B to Class A for Best DC

1 Supermarket located at 1507 U Street, N.W.,
2 License No. 075139.

3 I move that we refer this application
4 to licensing. Do I have a second?

5 MEMBER SHORT: Second.

6 MEMBER ALBERTI: Second. Mr. Short
7 seconded.

8 CHAIRPERSON MILLER: Mr. Short has
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 5-0-0.

15 No. 10 is a request for a change of
16 hours and also for live entertainment or at least
17 change of hours for that, too, operation, live
18 entertainment, sales and consumption. It is for
19 Parlay located at 1827 M Street, N.W. It's a CT
20 License No. 097074.

21 I move that we placard this request.
22 Do I have a second?

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: Mr. Alberti
3 seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 5-0-0.

9 No. 11 is a request for a change of
10 hours for Ocean Front Liquors located at 4682
11 Martin Luther King, Jr., Avenue, S.W. It's a
12 Retailer A liquor store, License No. 096628.

13 I move that we approve this change of
14 hours. Do I have a second?

15 MEMBER ALBERTI: Second.

16 CHAIRPERSON MILLER: Mr. Alberti
17 seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 5-0-0.

1 No. 12 is a request for a change of
2 hours by Bulldog Tavern located at 3700 O Street,
3 N.W., License No. 096001.

4 I move that we approve this request
5 for a change of hours. Do I have a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks has
8 seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 6-0-0.

14 Okay. We have two applications for
15 manager's licenses.

16 One is for Clifford H. Noell, ABRA No.
17 096695. Okay. Right, okay.

18 So I move that we approve the
19 manager's license for Mr. Noell. Do I have a
20 second?

21 MEMBER ALBERTI: Second.

22 CHAIRPERSON MILLER: And Mr. Alberti

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 6-0-0.

7 MEMBER ALBERTI: Yes.

8 CHAIRPERSON MILLER: Okay. And then
9 No. 14 is an application for manager's license
10 for Danielle E. Desnoyers, ABRA No. 097377.

11 I move that we approve this
12 application. Do I have a second?

13 MEMBER ALBERTI: Second.

14 CHAIRPERSON MILLER: Mr. Alberti
15 seconded the motion.

16 All those in favor say aye.

17 MEMBER ALBERTI: Aye.

18 CHAIRPERSON MILLER: Aye.

19 MEMBER RODRIGUEZ: Aye.

20 MEMBER BROOKS: Aye.

21 MEMBER SILVERSTEIN: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed?

2 MEMBER ALBERTI: Mr. Short? Mr.

3 Short?

4 MEMBER SHORT: Abstaining.

5 MEMBER ALBERTI: Okay.

6 CHAIRPERSON MILLER: All those
7 abstaining? One. Okay. So the vote is 5-0-1.

8 Okay. And finally we have a short
9 Supplemental Licensing Agenda.

10 The first item is a request to extend
11 safekeeping status of license through November
12 30, 2015 due to renovations. This is a second
13 request regarding extending safekeeping and it is
14 for L'Enfant Plaza Hotel, 480 L'Enfant Plaza,
15 S.W., License No. 093846.

16 Okay. I move that we postpone
17 consideration of this request. Do I have a
18 second?

19 MEMBER ALBERTI: Second.

20 CHAIRPERSON MILLER: Mr. Alberti
21 seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? The motion
4 passes 6-0-0.

5 MEMBER ALBERTI: Can I make a quick
6 comment?

7 CHAIRPERSON MILLER: Yes, sure.

8 MEMBER ALBERTI: The Board has been
9 informed that the information that was requested
10 from the licensee has been provided, but we
11 haven't had an opportunity to review it. So just
12 want to put that on the record.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: That we acknowledge
15 that we have received the information we
16 requested.

17 CHAIRPERSON MILLER: Right. We would
18 like to review that information before --

19 MEMBER ALBERTI: Yes.

20 CHAIRPERSON MILLER: -- voting on this
21 request. Okay.

22 No. 2 is a letter from Jamel Evans,

1 ABRA No. 095998, requesting reconsideration of
2 application for manager's license. The
3 application was originally reviewed and denied by
4 a 3-1 vote on July 30, 2014.

5 I move that we deny the request for
6 reconsideration.

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Do I have a
9 second?

10 MEMBER ALBERTI: Second.

11 CHAIRPERSON MILLER: Mr. Alberti
12 seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 6-0-0 to deny.

18 And No. 3 is an application for a
19 manager's license for Hilton R. Rodriguez, ABRA
20 No. 095206.

21 I move that we have a Fact-Finding in
22 this case.

1 MEMBER RODRIGUEZ: Second it.

2 CHAIRPERSON MILLER: Okay. Mr.

3 Rodriguez has seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 6-0-0.

9 Okay. That completes our agendas for
10 January 7, 2015. And all that we have left is to
11 vote on our closed meetings for next week.

12 As Chairperson of the Alcoholic
13 Beverage Control Board for the District of
14 Columbia and in accordance with Section 405 of
15 the Open Meetings Amendment Act of 2010, I move
16 that the ABC Board hold a closed meeting on
17 January 15, 2015 for the purpose of seeking legal
18 advice from our counsel on the matters identified
19 on the Board's Agenda for January 15, 2015 as
20 published in the DC Register on no later than
21 January 9, 2015.

22 Is there a second?

1 MEMBER BROOKS: Second.

2 CHAIRPERSON MILLER: Mr. Brooks has
3 seconded the motion. I'll now take a roll call
4 vote on the motion before us now that it has been
5 seconded.

6 Mr. Brooks?

7 MEMBER BROOKS: I agree.

8 CHAIRPERSON MILLER: Mr. Alberti?

9 MEMBER ALBERTI: I agree.

10 CHAIRPERSON MILLER: Mr. Rodriguez?

11 MEMBER RODRIGUEZ: I agree.

12 CHAIRPERSON MILLER: Ms. Miller, I
13 agree.

14 Mr. Silverstein?

15 MEMBER SILVERSTEIN: I agree.

16 CHAIRPERSON MILLER: Mr. Short?

17 MEMBER SHORT: I agree.

18 CHAIRPERSON MILLER: It appears that
19 the motion has passed by a 6-0-0 vote.

20 I hereby give notice that the ABC
21 Board will hold this aforementioned closed
22 meeting pursuant to the Open Meetings Amendment

1 Act of 2010. Notice will also be posted on the
2 ABC Board hearing room bulletin board, placed on
3 the electronic calendar on ABRA's website and
4 published in the DC Register in as timely a
5 manner as practicable.

6 As Chairperson of the Alcoholic
7 Beverage Control Board for the District of
8 Columbia and in accordance with Section 405 of
9 the Open Meetings Amendment Act of 2010, I move
10 that the ABC Board hold a closed meeting on
11 January 15, 2015 for the purpose of discussing
12 and hearing reports concerning ongoing or planned
13 investigations of alleged criminal or civil
14 misconduct or violations of law or regulations
15 and seeking legal advice from our counsel on the
16 Board's Investigative Agenda for January 15, 2015
17 as published in the DC Register on January 9,
18 2015.

19 Is there a second?

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: Mr. Brooks has
22 seconded the motion. I'll now take a roll call

1 vote on the motion before us now that it has been
2 seconded.

3 Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Mr. Rodriguez?

6 MEMBER RODRIGUEZ: I agree.

7 CHAIRPERSON MILLER: Ms. Miller
8 agrees.

9 Mr. Silverstein?

10 MEMBER SILVERSTEIN: I agree.

11 CHAIRPERSON MILLER: Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON MILLER: It appears that
14 the motion has passed by a 5-0-0 vote.

15 I hereby give notice that the ABC
16 Board will hold this aforementioned closed
17 meeting pursuant to the Open Meetings Amendment
18 Act of 2010. Notice will also be posted on the
19 ABC Board hearing room bulletin board, placed on
20 the electronic calendar on ABRA's website and
21 published in the DC Register in as timely a
22 manner as practicable.

1 And that concludes our business, at
2 least here on the dias, for January 7, 2015. And
3 we are adjourned. Thank you.

4 (Whereupon, the A.B.R.A. Agenda in the
5 above-entitled matter was concluded at 4:25 p.m.)

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